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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,269	06/23/2003	Robert L. Senter	11431US.00	1723

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EXAMINER

MORAN, KATHERINE M

ART UNIT PAPER NUMBER

3765

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,269	Applicant(s) SENDER ET AL.	
	Examiner Katherine M. Moran	Art Unit 3765	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3-11 are objected to because of the following informalities: claim 3 recites "said light conducting material". The term conducting should be changed to transmitting in all applicable claims for consistency with claim 1. Also, claim 10 line 1: it appears that the word "or" should be deleted. Appropriate correction is required.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 9 recites light conductive fibers embedded in transparent plastic or rubber.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mead (U.S. 6,006,357). Mead discloses the invention as claimed. Mead teaches an illuminated glove 10 comprising a flexible enclosure 12 for surrounding all or portions of a human hand, the enclosure having a light transmitting material 24,26 or 24,46 and a light source 40 positioned thereon for directing light through the light transmitting material, a battery source and a switch for selectively activating the light source on the enclosure (col.4, lines 24-35). The light source is contiguous with the light transmitting material, and could also be interpreted as being embedded in the light conducting material, in the same manner as the embedded embodiment shown in the drawings and discussed in the specification. The term embedded is defined in Merriam-Webster's Dictionary as "surrounded or enclosed closely". Mead's light source 40 is embedded in the light conducting material 24,26. Material 24,26 is formed from a reflective, translucent plastic material. The material could be interpreted as a lens since the material has two surfaces 24,46 that facilitate perception.

5. Claims 1 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung-Piao (U.S. 5,177,467). Chung-Piao discloses the invention as claimed. Chung-Piao teaches an illuminated glove 1 comprising a flexible enclosure for surrounding all or portions of a human hand, the enclosure having a light transmitting material in the form of a light bulb surrounding a light source 2 positioned thereon for directing light through the light transmitting material, a

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battery source 5 and a switch 6 for selectively activating the light source on the enclosure. The switch includes contacts to open and close the switch, with the contacts disposed on the enclosure for selective contact by an individual wearing the glove. Figures 3 and 3A show the contacts at the thumb and index finger sleeves of the glove. The switch is operative to energize or de-energize the light source in a blinking or continuous mode as desired.

6. Claims 1, 2, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Gyori (U.S. 6,709,142). Gyori discloses the invention as claimed. Gyori teaches an illuminated glove 20 comprising a flexible enclosure for surrounding all or portions of a human hand, the enclosure having a light transmitting material 74 and a light source 40 positioned thereon for directing light through the light transmitting material, a battery source and a switch 58 for selectively activating the light source on the enclosure. The light source is contiguous with the light transmitting material, and could also be interpreted as being embedded in the light conducting material, in the same manner as the embedded embodiment shown in the drawings and discussed in the specification. Mead's light source 40 comprises light conductive fibers, and the switch energizes or de-energizes the light source in a continuous mode.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gyori '142 in view of Guy (US 2004/0037091). Gyori discloses the invention substantially as claimed. However, Gyori does not teach light conductive fibers embedded in translucent plastic or rubber. Guy teaches a fiber optic fabric 33 embedded in translucent latex rubber coating. The coating assists in transmission of light while also preventing light leakage from the fibers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to embed Gyori's fibers in a translucent plastic or rubber as taught by Guy, so that the fibers are sufficiently protected and do not leak light.

Conclusion

9. The prior art made of record on the attached PTO-892, and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (703) 872-9306.

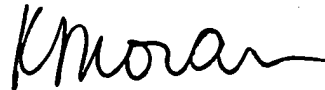
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

January 5, 2005

A handwritten signature in black ink, appearing to read "K Moran", with a stylized, flowing script.

Katherine Moran

Primary Examiner, AU 3765